

★ JUL 02 2013 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHASSIB KASSIM WAHAB,

Plaintiff,

-against-

ORDER

12-CV-3932 (SJF)(AKT)

ESTEE LAUDER COMPANIES, INC.,

Defendant.

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FEUERSTEIN, J.

This case was assigned to the Court on May 16, 2013 after District Judge Joseph F. Bianco recused himself. See [Docket Entry No. 37]. On May 21, 2013, the Court overruled plaintiff's objection to Magistrate Judge E. Thomas Boyle's order dated April 8, 2013 "preclud[ing] [plaintiff] from testifying at trial or offering any affidavit in support or opposition to summary judgment unless he submits to a deposition, which defendant previously noticed, within 30 days." [Docket Entry No. 39].¹ The Court cancelled the May 30, 2013 discovery deadline to allow Magistrate Judge A. Kathleen Tomlinson to address outstanding discovery issues and scheduled a pretrial conference for July 9, 2013 at 11:15 a.m., by which time all discovery is to be completed. Id. Now before the Court is plaintiff's motion seeking the recusal of both the undersigned and Magistrate Judge Tomlinson. [Docket Entry No. 52].

Section 455(a) of Title 28 of the United States Code provides that "[a]ny . . . judge . . . of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). Plaintiff has failed to allege any reasonable basis

¹Magistrate Judge A. Kathleen Tomlinson was assigned to the case on April 23, 2013 after Magistrate Judge Boyle's recused himself. See [Docket Entry Nos. 29, 37].

for questioning the impartiality of the Court in this proceeding. Accordingly, the motion is denied insofar as it seeks the recusal of the undersigned.

SO ORDERED.

s/ Sandra J. Feuerstein


Sandra J. Feuerstein
United States District Judge

Dated: July 2, 2013
Central Islip, New York